Building on Success, Welcoming More Immigrants

Summary of Feedback on the Proposed Eligibility Criteria for the Family Business Category

Nova Scotia Nominee Program

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Setting the Context: Nova Scotia's Immigration Strategy

In January 2005, Nova Scotia released its first immigration strategy, based on input from more than 100 individuals and groups. In line with this strategy, Nova Scotia is committed to enhancing immigration and has adopted the following policy statement:

> *Nova Scotia welcomes and embraces immigrants, recognizing the important contributions they make to our social, economic and cultural fabric. The Government of Nova Scotia will take a lead role in engaging and working with partners to attract, integrate and retain immigrants.*

Based on this policy, the strategy contains ambitious goals:

- to help immigrants settle, succeed and stay - specifically, to increase our retention rate from 40 to 70 per cent for the 2006 - 2011 census period
- to more than double the number of immigrants coming to our province – to 3,600 annually within four years of full strategy implementation

The Nova Scotia Office of Immigration's mandate is to implement this strategy. The Office is committed to working with immigration partners to support and enhance existing immigration activities that contribute to reaching these goals. As well, the Office is identifying new opportunities to attract more immigrants, and to help them settle and stay.

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Building on Success: The Nova Scotia Nominee Program

The Canada-Nova Scotia Agreement on Provincial Nominees was signed in August 2002. The purpose of this five-year agreement is to increase the economic benefits of immigration to Nova Scotia, based on industrial and economic priorities and labour market conditions. The agreement also recognizes the importance of encouraging the development of Acadian and Francophone communities.

Currently, the Nova Scotia Nominee Program has three categories, namely: economic, skilled worker, and community-identified. During the immigration strategy consultations, participants recommended that the province add three new categories so that the program is open to immigrants with a wider range of backgrounds and experiences. The three proposed categories are family members of business owners, international students, and entrepreneurs.

The Discussion

The Office of Immigration developed draft eligibility criteria for the proposed Family Business category. The criteria were developed by a small working group consisting of a staff member from the Office of Immigration, Citizenship and Immigration Canada, and an immigrant business owner.

To solicit feedback on the proposed new category and the draft eligibility criteria, the Office of Immigration published a discussion paper. The discussion paper was posted on the Office's website at www.novascotiaimmigration.com and circulated for public feedback between October 27, 2005 and November 25, 2005.

There were seventeen (17) responses to the draft discussion paper. They can be summarized as follows:

- Sixteen (16) written submissions
- One written summary of a focus group consisting of sixteen (16) individuals, hosted by the Metropolitan Immigrant Settlement Association (MISA) on November 22, 2005. The participants consisted of individuals contemplating starting a business, new business owners, as well as established business owners.

All the participants were immigrants, coming from ten countries of origin.

Feedback from the Discussion

Overall, there was strong positive support for this proposed category. Business owners felt the category would enable them to bring family members to work in their business, thereby enabling them to hire individuals they trust, as well as allow for succession planning.

There was also the belief that nominees would benefit from having both an employment offer and family connections to assist with successful settlement in Nova Scotia.

Next Steps

Given the overall positive response, the Nova Scotia Office of Immigration will undertake steps to introduce the new category in 2006.

To finalize the criteria, the Office will carefully consider the public feedback received, consult our federal colleagues at Citizenship and Immigration Canada, and review best practices across the country.

Detailed Feedback on Criteria Under Consideration

The following table provides a summary of the feedback received. The table attempts to identify where there was most unanimity in the feedback, as well as present other diverging views. All views presented are those expressed by individuals who gave feedback to the proposed criteria and may not reflect the views held by the Office of Immigration.

1. Full-time, permanent employment
2. Family relationship
3. Age
4. Language ability
5. Education and training
6. Mandatory interviews
7. Non-refundable application fee
8. Business financial records
9. Frequency of family business owner job offers

Criteria	Feedback
Full-time, permanent employment	*Most recommended:* ❖ The wage of $20,000.00 is sufficient to support the nominee and immediate family members. ❖ The family business applicant should be required to have a binding fixed term employment contract signed by both employer and employee (a non-binding open-ended job offer is insufficient for the nominee). A minimum term of two years was suggested. ❖ The wage and working conditions must meet the Nova Scotia Labour Standards Code.[1] *Other suggestions:* ❖ The wage should be based on minimum wage. ❖ Several of the focus group participants suggested that a salary of $20,000 is reasonable if value is attributed to any room and board provided by the employer. Therefore, the nominee may be able to contribute to room and board provided for a maximum of $5,000. ❖ A salary of $7,000 to $10,000 would be sufficient if accommodation was provided free of charge. (This salary would be under minimum wage if working full-time) ❖ A salary range be used based on skills and experience and type of job being offered. The nominee may be promoted within the business over time and their wages increased appropriately. ❖ The focus group participants asked for clarification on the definition of full-time employment. The Office of Immigration has consulted with Service Canada who defines full-time employment as consisting of a minimum of 32 hours per week.
Family relationship	*Most recommended:* ❖ The definition should be broadened to include nephews and nieces, and grandchildren.[2] ❖ Family members of business owners' spouse should also be eligible under this category. *Other suggestions:* ❖ The definition should be expanded to include parents and cousins. ❖ Recommendation that the criteria be more flexible so that the family member and the business owner do not need to be the same person. In other words, individuals could qualify if they have a family member sponsor and a job offer in Nova Scotia.

[1] Labour Standards Code available at http://www.gov.ns.ca/enla/labstand/

[2] Nephews or nieces are defined as children of parents' brothers or sisters. Grandchildren are defined as children of one's children.

Age	*Most recommended:* ❖ The proposed age criteria of 18 - 50 are valid. ❖ The age criteria should be increased to 55. *Other suggestions:* ❖ The age criteria should be increased to 60. ❖ Exception be available to family members that have passed 50, but have children that are between 20-30 years of age and have a lot to offer.
Language ability	*Most recommended:* ❖ There should be a requirement for basic language ability in English or French upon arrival. ❖ Language requirements should be consistent with requirements in existing Nova Scotia Provincial Program categories. ❖ It is not feasible for the business to provide formal language training. *Other suggestions:* ❖ Don't make language (English or French) a requirement as nominees will learn the language on the job. ❖ There should be a commitment from the family business owner to provide language training and employment supports. ❖ Government should make more language training available for nominees and their families. Government-funded language training will give the option of independence and protection in situations where the nominee or their family is mistreated.
Education and training	*Most recommended:* ❖ No specific education, training or work experience should be required as training would occur on the job. Most first generation immigrants are very flexible and would be able to learn new skills. ❖ The business owner must be able to demonstrate that the nominee has the ability to learn the skills needed for the job. *Other suggestions:* ❖ Work experience related to the job offer should be considered an asset. ❖ Business owners know the difficulties faced by new immigrants and they would not nominate relatives who would become a burden to Canadian society.

Mandatory interviews	*Most recommended:* ❖ The face-to-face interview with nominees should not be mandatory as this may cause delays in processing and would increase the cost of the application to both the Office of Immigration and to the applicant. ❖ Interview should not be required because the family business owner should be able to demonstrate the nominee's English or French speaking ability. ❖ The Province should reserve the right to interview the family business owner and/or the nominee in cases where the program officer questions the *bona fides* of the application. *Other suggestions:* ❖ Maintain interviews for nominees and ensure that criteria be consistent with existing categories, thereby protecting the reputation and integrity of the NSNP. ❖ The interviews should not be waived as they are an important tool to determine: 1) sincerity of the nominee to settle in Nova Scotia; 2) the suitability and the relative ease that the nominee will integrate into Nova Scotia; and 3) reduce the possibility of abuse to this stream.
Non-refundable application fee	*Most recommended:* ❖ The application fee of $1700 is fair. ❖ The fees should be lowered in order to make Nova Scotia more competitive with other Provinces. *Other suggestions:* ❖ The application fee of $1700 should be reduced. ❖ There could be a possibility of dividing the fee into one amount for the principle applicant and additional fees for each accompanying dependent. ❖ The fee should be refunded if the applicant is refused permanent resident status based on admissibility criteria. ❖ Part (or all) of the application fee should be refunded after the nominee has lived in Nova Scotia for two years.

Business financial records	*The following suggestions summarize the varied feedback for this criterion.* *Suggestions:* ❖ The business be required to: ▪ submit tax returns, tax assessments, and/or audited financial statements for the past two years; ▪ submit additional financial documents that verify the financial capacity to pay the required salary and benefits; ❖ The meaning of the term "information from an accountant"should be clarified. ❖ Businesses less than two years old should be eligible to apply because having relatives in the first days of establishing a new business is more important than having them after two years.
Frequency of family business owner job offers	*Most recommended:* ❖ The frequency of job offers (once every two years) is appropriate. *Other suggestions:* ❖ There should not be a frequency restriction. ❖ Family businesses should be able to offer jobs to family members once per year with T4 verification that the past commitments to nominees have been met. ❖ The frequency and number of job offers should be determined by the size of the family business and the ability to support more than one nominee at a time. Having a family member working in the business may enable the family business to expand.